

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address, and citizenship are as stated below next to my name; I believe that I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "WHEEL FOR GOODS WAGON AND WHEEL SET," the specification of which was filed as International Application No. PCT/EP2004/011046 on October 4, 2004, and amended on April 3, 2006. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendments referred to above. I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application for patent or inventor's certificate or of any international (PCT) application designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any international application designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application of which priority is claimed:

Priority Claimed

103 46 020.9
(Application Serial Number)

Germany
(Country)

October 2, 2003
(Day/Month/Year Filed)

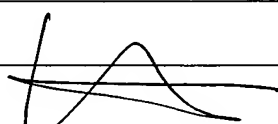
☒ ☐
Yes No

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

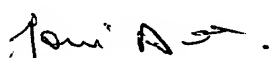
POWER OF ATTORNEY: I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

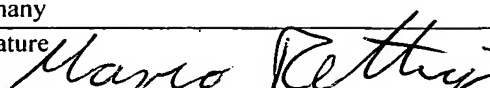
All practitioners at Customer Number 04743

Send correspondence to: James P. Zeller

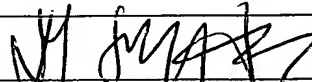
Full Name of First or Sole Inventor Wolfram Hoehne	Citizenship German
Residence Address - Street Reembroden 16	Post Office Address - Street Reembroden 16
City (Zip) 22339 Hamburg	City (Zip) 22339 Hamburg
State or Country Germany	State or Country Germany
Date <input checked="" type="checkbox"/> 16. of Mai 2006	Signature <input checked="" type="checkbox"/> 

Second Joint Inventor, if any Alfred Lohmann	Citizenship German
Residence Address - Street Rinsdorfer Strasse 17	Post Office Address - Street Rinsdorfer Strasse 17
City (Zip) 57080 Siegen	City (Zip) 57080 Siegen
State or Country Germany	State or Country Germany
Date <input checked="" type="checkbox"/> 22.5.06	Signature <input checked="" type="checkbox"/> Alfred Lohmann

Third Joint Inventor, if any Jani Dede	Citizenship German
Residence Address - Street Ernst-Barlach-Weg 12	Residence Address - Street Ernst-Barlach-Weg 12
City (Zip) 57076 Siegen	City (Zip) 57076 Siegen
State or Country Germany	State or Country Germany
Date <input checked="" type="checkbox"/> 22.05.06	Signature <input checked="" type="checkbox"/> Jani A. 

Full Name of Fourth Inventor Mario Rettig	Citizenship German
Residence Address - Street Zur Talsperre 3	Post Office Address - Street Zur Talsperre 3
City (Zip) 57250 Netphen	City (Zip) 57250 Netphen
State or Country Germany	State or Country Germany
Date <input checked="" type="checkbox"/> 22.05.06	Signature <input checked="" type="checkbox"/> Mario Rettig 

AD0350143

Full Name of Fifth Inventor Johannes Stephanides	Citizenship Austria
Residence Address - Street Burghardtasse 36/15	Post Office Address - Street Burghardtasse 36/15
City (Zip) 1200 Wien	City (Zip) 1200 Wien
State or Country Austria	State or Country Austria
Date <input checked="" type="checkbox"/> 2006-06-07	Signature <input checked="" type="checkbox"/> 

APPLICABLE RULES AND STATUTES

37 CFR 1.56. DUTY OF DISCLOSURE - INFORMATION MATERIAL TO PATENTABILITY (Applicable Portion)

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.

Information relating to the following factual situations enumerated in 35 USC 102 and 103 may be considered material under 37 CFR 1.56(a).

35 U.S.C. 102. CONDITIONS FOR PATENTABILITY: NOVELTY AND LOSS OF RIGHT TO PATENT

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraph (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

35 U.S.C. 103. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER (Applicable Portion)

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

35 U.S.C. 112. SPECIFICATION (Applicable Portion)

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.